UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,425	06/01/2006	Susumu Yamaguchi	4600-0117PUS1	6373

2292   7590   08/17/2009
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
PADEN, CAROLYN A

ART UNIT	PAPER NUMBER
1794	

NOTIFICATION DATE	DELIVERY MODE
08/17/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-10* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some *   c)☐ None of:
        1.☒ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12-9-08;11-13-08;6-4-08;3-3-06;1-5-06.

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section

made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 5-10 are rejected under 35 U.S.C. 102(b) as

being anticipated by van Dorp (3,686,003).

Van Dorp discloses flavoring foods with the decomposition

product of arachidonic acid (column 2, line 17). The final flavoring

ingredient is an aliphatic aldehyde having from 11-17 carbon atoms

and 2-4 double bonds (abstract). Trideca-2.,,4,7-trienal is cited as

one of the products (column 1, line 43). Linolenic acid is cited as a

precursor for the flavoring agent in example 12.

The following is a quotation of 35 U.S.C. 103(a) which forms

the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being

unpatentable over van Dorp (3,686,003) .

Van Dorp discloses flavoring foods with the decomposition

product of arachidonic acid (column 2, line 17). The final flavoring

ingredient is an aliphatic aldehyde having from 11-17 carbon atoms

and 2-4 double bonds (abstract). Trideca-2.,,4,7-trienal is cited as

one of the products (column 1, line 43). Linolenic acid is cited as a

precursor for the flavoring agent in example 12. The claims appear to

differ from van Dorp in the recitation of the amount of flavoring used

in the food (see column 3, lines 22-35). It would have been obvious

to one of ordinary skill in the art to include enough of the precursor

arachidonic acid in a food composition in order to provide an

appropriate amount of flavoring agent to food. Guidance as to the

amount of arachidonic acid is provided in example 8, where more

than 1% arachidonic acid is used to create flavoring for chicken soup.

Claims 1-4, 6, 7 and 10 are- rejected under 35 U.S.C. 102(b) as

being anticipated by Simmons (EP0463660).

Simmons discloses preparing flavoring mixtures from mixtures

of fatty acids in water. The+ fatty acids are shaken under air at 95V

for 8 hours. Then the aldehyde content is analyzed. The tables

starting at page 5 show the aldehyde content of the product to include

10-15 carbon atoms and also show aldehydes having two or more

double bonds. The flavors produced are shown in example 18 and

the foods produced with the flavors are shown at page 13.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Carolyn A

Paden whose telephone number is (571) 272-1403. The examiner

can normally be reached on Monday to Friday from 7 am to 3:30 pm.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Keith Hendricks can be

reached by dialing 571-272-1401. The fax phone number for the

organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be

obtained from the Patent Application Information Retrieval (PAIR)

system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-

217-9197 (toll-free).

/Carolyn Paden/

Primary Examiner 1794

.